

1
2 BILL NO. G-74-10-22 (As Amended)

3 GENERAL ORDINANCE NO. G- 97-74

4 AN ORDINANCE of the City of Fort Wayne, Indiana, authorizing
5 the issuance and sale of bonds of said City for the purpose of
6 providing funds to be applied on the cost of construction and
7 reconstruction of, and other improvements to, streets,
8 highways and thoroughfares in said City, the acquisition
9 of rights-of-way necessary or incidental thereto, and
the cost of acquiring and constructing new facilities
for the street department, together with all incidental
expenses necessarily incurred in connection therewith.

10 WHEREAS, the Board of Public Works of the City of Fort Wayne has
11 found that it would be for the best interest of said City and its citizens to provide
12 for the construction and reconstruction of, and other improvements to, streets,
13 highways and thoroughfares in said City, and the acquisition of rights-of-way
14 necessary or incidental thereto; and has determined that the estimated cost of
said projects and the incidental expenses necessary to be incurred in connection
therewith, including the issuance of bonds, will be in the approximate amount of
Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00); and

15 WHEREAS, the Board of Public Works has filed a request for an appro-
16 priation in the amount Three Million Seven Hundred and Fifty Thousand Dollars
17 (\$3,750,000.00) for said purposes, which request has been approved by the City
18 Controller with the recommendation that the funds necessary to cover such appro-
priation be obtained by the issuance and sale of general obligation bonds of the
City; and

19 WHEREAS, a petition has been filed under the provisions of Section
20 6-1-46-7 of the Indiana Code of 1971 by more than fifty (50) owners of taxable real
21 estate in the City of Fort Wayne, requesting the Common Council to issue bonds in
22 an amount not exceeding Three Million Seven Hundred and Fifty Thousand Dollars
(\$3,750,000.00) for the purpose of procuring funds to be applied on the cost of the
projects hereinbefore described; and

23 WHEREAS, the Council now finds that said projects are necessary and
24 will be of general benefit to the City and its citizens; now therefore

25 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

26 SECTION 1. That the City of Fort Wayne (hereinafter sometimes re-
27 ferred to as the "City"), by and through its Board of Public Works, proceed with
28 the construction and reconstruction of, and other improvements to, streets, high-
ways and thoroughfares in said City, the acquisition of rights-of-way necessary or
incidental thereto, as recommended by the Board of Public Works.

29 SECTION 2. For the purpose of providing funds with which to pay the
30 cost of said projects and the incidental expenses necessary to be incurred in con-
31 nection therewith, the City shall make a loan in the amount of Three Million Seven
32 Hundred and Fifty Thousand Dollars (\$3,750,000.00). In order to procure said
33 loan, the City Controller is hereby authorized and directed to have prepared and
34 to issue and sell the negotiable general obligation bonds of the City, to be desig-
35 nated as "Municipal Bonds of 1974" in the aggregate principal amount of Three
Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00), which bonds

shall be issued in the denomination of Five Thousand Dollars (\$5,000.00), shall be numbered consecutively from 1 to 750 inclusive, shall be dated as of the first day of the month in which said bonds are sold, and shall bear interest at a rate not exceeding Seven per cent (7%) per annum (the exact rate to be determined by the bidding), which interest shall be payable on the first day of July, 1975 and semi-annually thereafter on the first days of January and July in each year and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable at such bank or banks as shall be designated by the successful bidder and approved by the City Controller and at least one of which banks shall be in the City of Fort Wayne, Indiana. The bonds shall mature serially in the amounts and on the dates as follows:

\$ 80,000	on July 1, 1975
80,000	on January 1, 1976
85,000	on July 1, 1976
85,000	on January 1, 1977
90,000	on July 1, 1977
90,000	on January 1, 1978
95,000	on July 1, 1978
100,000	on January 1, 1979
100,000	on July 1, 1979
105,000	on January 1, 1980
105,000	on July 1, 1980
110,000	on January 1, 1981
110,000	on July 1, 1981
115,000	on January 1, 1982
120,000	on July 1, 1982
125,000	on January 1, 1983
125,000	on July 1, 1983
130,000	on January 1, 1984
135,000	on July 1, 1984
140,000	on January 1, 1985
140,000	on July 1, 1985
145,000	on January 1, 1986
150,000	on July 1, 1986
155,000	on January 1, 1987
160,000	on July 1, 1987
165,000	on January 1, 1988
170,000	on July 1, 1988
175,000	on January 1, 1989
180,000	on July 1, 1989
185,000	on January 1, 1990

Said bonds shall be signed in the name of the City of Fort Wayne with the facsimile signature of the Mayor, countersigned with the facsimile signature of the City Controller, and attested by the City Clerk who shall affix the seal of the City to each of said bonds. The interest coupons attached to said bonds shall be executed with the facsimile signature of the City Controller. Said bonds shall, in the hands of bona fide holders, have all the qualities of negotiable instruments under the Uniform Commercial Code.

SECTION 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA
STATE OF INDIANA COUNTY OF ALLEN

No. _____ \$5,000.00

CITY OF FORT WAYNE
MUNICIPAL BOND OF 1974

The City of Fort Wayne, in Allen County, Indiana, for value received hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal sum of

FIVE THOUSAND DOLLARS

on the first day of _____, 19____, and to pay interest thereon from the date hereof until the principal is paid, at the rate of _____ per cent (____%) per annum, payable on the first day of July, 1975, and semi-annually thereafter on the first day of January and July in each year, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the _____, in the City of Fort Wayne, Indiana, or at the option of the holder at the _____.

This bond is one of an authorized issue of Seven Hundred and Fifty (750) bonds of the City of Fort Wayne, Indiana, of like date, denomination, tenor and effect, except as to dates of maturity, aggregating Three Million Seven Hundred and Fifty Thousand dollars (\$3,750,000.00), numbered consecutively from 1 to 750 inclusive, issued pursuant to an ordinance adopted by the Common Council of the City on the _____ day of _____, 1974, entitled "An Ordinance of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied on the cost of construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental thereto, and the cost of acquiring and constructing new facilities for the street department, together with all incidental expenses necessarily incurred in connection therewith," and an act of the General Assembly of the State of Indiana entitled "An Act concerning municipal corporations," approved March 6, 1905, and all acts amendatory thereof and supplemental thereto.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law; that this bond and said total issue of bonds is within every limit of indebtedness prescribed by the constitution and laws of the State of Indiana, and that the full faith and credit of the City of Fort Wayne, together with all of its taxable property, both real and personal, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, Indiana, by ordinance of its Common Council, has caused this bond to be signed in its corporate name by placing thereon the facsimile signature of its Mayor, countersigned by

placing thereon the facsimile signature of its City Controller, its corporate seal to be hereunto affixed and attested by its City Clerk, and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of said City Controller, as of the first day of _____, 197____.

CITY OF FORT WAYNE

By _____
Mayor

Countersigned:

City Controller

Attest:

City Clerk

(Interest Coupon)

Coupon No. _____ \$ _____

On _____, 19____,
the City of Fort Wayne, Indiana, will pay to bearer at the _____
in the City of Fort Wayne, Indiana, or at the option of the holder at the _____
_____, _____ Dollars in lawful money of the
United States of America, being the interest then due on its Municipal Bond of
_____, dated _____, No. _____.

CITY OF FORT WAYNE

By _____ (Facsimile)
City Controller

SECTION 4. As soon as can be done after the passage of this ordinance, the City Clerk shall give notice of the filing of the petition for and determination to issue bonds. Said notice shall be published once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, newspapers of general circulation published in the City of Fort Wayne, and said notice shall also be posted in three public places in the City, as provided in IC, 1971, 6-1-46-7 and 6-1-1-25.

Said bonds shall not be advertised for sale prior to the expiration of the period during which taxpayers may file remonstrances or objecting petitions to the issuance of said bonds. In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of I.C. 1971, 6-1-46-7, then no further steps towards the issuance of said bonds shall be taken unless and until the Common Council shall have determined that such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of IC, 1971, 6-1-1-25, then no further steps towards the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of the bonds herein authorized shall not be issued, then the City Controller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued and sold shall be the bonds of the longest maturity of maturities.

SECTION 5. Prior to the sale of said bonds, the City Controller shall cause to be published a notice of such sale once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal Gazette, and one time in the Indianapolis Commercial. The date fixed for the sale shall not be earlier than seven (7) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are being issued, the total amount thereof, the maximum rate of interest thereon, the time and place of payment, the terms and conditions on which bids will be received and the sale made, and such other information as the City Controller shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the City Controller at his office, and said Controller shall continue to receive all bids offered until the hour named on the day fixed in the bond sale notice, at which time and place he shall open and consider said bids. Bidders for said bonds shall be required to name the rate of interest which the bonds are to bear not exceeding seven per cent (7%) per annum, and such interest rate shall be in multiples of 1/8 of one per cent (.125%) and not more than one interest rate shall be named by each bidder. The Controller shall award the bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest at the rate named to the date of delivery, shall be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed in said notice for the sale of said bonds, the Controller shall be authorized to continue to receive bids from day to day thereafter for a period of not to exceed thirty (30) days, without re-advertising, but during such continuation no bids shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds the City Controller shall be authorized to obtain a legal opinion as to the validity of said bonds from Ice Miller Donadio & Ryan, bond counsel of Indianapolis, and to furnish such opinion to the purchaser of said bonds. The cost of said opinion shall be considered a part of the cost of said projects, and shall be paid out of the proceeds of said bonds.

SECTION 6. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided. After said bonds shall have been properly executed, the City Controller shall deliver the same to the City Treasurer, and shall take his receipt therefor, and upon the consummation of the sale of said bonds the City Controller shall then certify to the City Treasurer the amount which the purchaser is to pay for the same; thereupon, the City Treasurer shall be authorized to receive from the purchaser the amount so certified by the Controller and to deliver the bonds to such purchaser.

SECTION 7. This Ordinance shall be in full force and effect immediately upon its passage, approval by the Mayor and legal publication thereof.

William T. Angus

Councilman

Read the first time in full and on motion by Hinga, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 10/8/74

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Hinga, seconded by Stier, and duly adopted, placed on its passage. Passed ~~unanimously~~ by the following vote:

	AYES <u>7</u>	NAYS <u>1</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>A</u>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 10-22-74

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (General) (~~Ordinance~~) (~~Special~~) Ordinance ~~Resolution~~ No. M-27-74 on the 22nd day of Oct., 1974.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd day of October, 1974, at the hour of 9:00 o'clock P. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 22nd day of October, 1974, at the hour of 9:30 o'clock P. M., E.S.T.

Jack A. Evans
MAYOR

4-27-74

AS AMENDED

Bill No. G-74-10-22

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance
Ordinance of the City of Fort Wayne, Indiana, authorizing the issuance and sale
of bonds of said City for the purpose of providing funds to be applied on the cost
of construction and reconstruction of, and other improvements to, streets, highways
and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental
thereto, and the cost of acquiring and constructing new facilities for the street
department, together with all incidental expenses necessarily incurred in connection
therewith.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS.

William T. Hinga - Chairman

John Nuckols - Vice-Chairman

James S. Stier

Winfield C. Moses, Jr.

Paul M. Burns

William T. Hinga
John Nuckols
James S. Stier

CONCURRED IN

DATE 10/22/74 CHARLES W. WESTERMAN, CITY CLERK

1
2
3 BILL NO. G-74-10-22

4 GENERAL ORDINANCE NO. G-_____

5 AN ORDINANCE of the City of Fort Wayne, Indiana, authorizing
6 the issuance and sale of bonds of said City for the purpose
7 of providing funds to be applied on the cost of construction
8 and reconstruction of, and other improvements to, streets,
9 highways and thoroughfares in said City, the acquisition
10 of rights-of-way necessary or incidental thereto, and
11 the cost of acquiring and constructing new facilities
12 for the street department, together with all incidental
13 expenses necessarily incurred in connection therewith.

14 WHEREAS, the Board of Public Works of the City of Fort Wayne has found
15 that it would be for the best interest of said City and its citizens to provide for the
16 construction and reconstruction of, and other improvements to, streets, highways
17 and thoroughfares in said City, and the acquisition of rights-of-way necessary or
18 incidental thereto; and has determined that the estimated cost of said projects and
19 the incidental expenses necessary to be incurred in connection therewith, including
20 the issuance of bonds, will be in the approximate amount of Three Million Seven Hun-
21 dred and Fifty Thousand Dollars (\$3,750,000.00); and

22 WHEREAS, the Board of Public Works has filed a request for an appro-
23 priation in the amount of Three Million Seven Hundred and Fifty Thousand Dollars
24 (\$3,750,000.00) for said purposes, which request has been approved by the City
25 Controller with the recommendation that the funds necessary to cover such appro-
26 priation be obtained by the issuance and sale of general obligation bonds of the
27 City; and

28 WHEREAS, a petition has been filed under the provisions of Section
29 6-1-46-7 of the Indiana Code of 1971 by more than fifty (50) owners of taxable real
30 estate in the City of Fort Wayne, requesting the Common Council to issue bonds in
31 an amount not exceeding Three Million Seven Hundred and Fifty Thousand Dollars
32 (\$3,750,000.00) for the purpose of procuring funds to be applied on the cost of the
33 projects hereinbefore described; and

34 WHEREAS, the Council now finds that said projects are necessary and
35 will be of general benefit to the City and its citizens; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the City of Fort Wayne (hereinafter sometimes re-
ferred to as the "City"), by and through its Board of Public Works, proceed with
the construction and reconstruction of, and other improvements to, streets, high-
ways and thoroughfares in said City, the acquisition of rights-of-way necessary or
incidental thereto, as recommended by the Board of Public Works.

SECTION 2. For the purpose of providing funds with which to pay the
cost of said projects and the incidental expenses necessary to be incurred in con-
nection therewith, the City shall make a loan in the amount of Three Million Seven
Hundred and Fifty Thousand Dollars (\$3,750,000.00). In order to procure said
loan, the City Controller is hereby authorized and directed to have prepared and
to issue and sell the negotiable general obligation bonds of the City, to be designated
as "Municipal Bonds of 1974" in the aggregate principal amount of Three Million
Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00), which bonds shall be

35
APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

issued in the denomination of Five Thousand Dollars (\$5,000.00), shall be numbered consecutively from 1 to 750 inclusive, shall be dated as of the first day of the month in which said bonds are sold, and shall bear interest at a rate not exceeding _____ per cent _____ per annum (the exact rate to be determined by the bidding), which interest shall be payable on the first day of the sixth month from the day as of which said bonds are dated and semi-annually thereafter on the first day of each sixth month and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable at such bank or banks as shall be designated by the successful bidder and approved by the City Controller and at least one of which banks shall be in the City of Fort Wayne, Indiana. The bonds shall mature serially in the amounts and on the dates as follows:

The Bonds of this issue maturing on _____, 197__, and thereafter, shall be redeemable at the option of the City on _____, 197__, or any interest payment date thereafter, in inverse numerical order, at face value, together with the following premiums:

The Bonds of this issue maturing on _____, 197__ and thereafter, are redeemable at the option of the City, in whole or in part, in inverse numerical order, on _____, or any interest payment date thereafter, at face value, together with the following premiums; _____, if redeemed on _____, or thereafter on or before _____, if redeemed on _____, or thereafter prior to maturity; plus accrued interest to the date of redemption; provided notice of such redemption shall be given at least thirty days prior to the date fixed therefor by one publication in a newspaper or financial journal of general circulation published in the City of Fort Wayne and a newspaper or financial journal of general circulation published in the City of Chicago, Illinois and a like notice be sent by mail to the holders of such bonds as are then registered. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if sufficient funds are available at the place of redemption to redeem the bonds when presented, in accordance with the terms thereof. The bonds so redeemed prior to maturity shall be surrendered for cancellation, together with unmatured interest coupons appurtenant thereto.

Said bonds shall be signed in the name of the City of Fort Wayne with the facsimile signature of the Mayor, countersigned with the facsimile signature of the City Controller, and attested by the City Clerk who shall affix the seal of the City to each of said bonds. The interest coupons attached to said bonds shall be executed with the facsimile signature of the City Controller. Said bonds shall, in the hands of bona fide holders, have all the qualities of negotiable instruments under the Uniform Commercial Code.

SECTION 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA
STATE OF INDIANA COUNTY OF ALLEN

NO. _____ \$5,000.00

CITY OF FORT WAYNE
MUNICIPAL BOND OF 1974

The City of Fort Wayne, in Allen County, Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal amount of

FIVE THOUSAND DOLLARS

on the first day of _____, 19____, and to pay interest thereon from the date hereof until the principal is paid, at the rate of _____ per cent (____%) per annum, payable on the first day of _____, and semi-annually thereafter on the first day of _____ and _____ in each year, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the _____, in the City of Fort Wayne, Indiana, or at the option of the holder at the _____.

This bond is one of an authorized issue of Seven Hundred Fifty (750) bonds of the City of Fort Wayne, Indiana, of like date, denomination, tenor and effect, except as to dates of maturity, aggregating Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00), numbered consecutively from 1 to 750 inclusive, issued pursuant to an ordinance adopted by the Common Council of the City on the _____ day of _____, 1974, entitled "An Ordinance of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied on the cost of construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental thereto, and the cost of acquiring and constructing new facilities for the street department, together with all incidental expenses necessarily incurred in connection therewith," and an act of the General Assembly of the State of Indiana entitled "An Act concerning municipal corporations," approved March 6, 1905, and all acts amendatory thereof and supplemental thereto.

The Bonds of this issue maturing on _____, 197____ (and thereafter, are redeemable at the option of the City, in whole or in part, in inverse numerical order, on _____, or any interest payment date thereafter, at face value, together with the following premiums; _____, if redeemed on _____, or thereafter on or before _____, if redeemed on _____, or thereafter prior to maturity; plus accrued interest to the date of redemption; provided notice of such redemption shall be given at least thirty days prior to the date fixed therefor by one publication in a newspaper or financial journal of general circulation published in the City of Fort Wayne and a newspaper of financial journal of general circulation published in the City of Chicago, Illinois and a like notice be sent by mail to the holders of such bonds as are then registered. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if sufficient funds are available at the place or redemption to redeem the bonds when presented, in accordance with the terms thereof. The bonds so redeemed prior to maturity shall be surrendered for cancellation, together with unmatured interest coupons appurtenant thereto.

Said bonds shall not be advertised for sale prior to the expiration of the period during which taxpayers may file remonstrances or objecting petitions to the issuance of said bonds. In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of I.C. 1971, 6-1-46-7, then no further steps towards the issuance of said bonds shall be taken unless and until the Common Council shall have determined that such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of IC, 1971, 6-1-1-25, then no further steps towards the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of the bonds herein authorized shall not be issued, then the City Controller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued and sold shall be the bonds of the longest maturity of maturities.

SECTION 5. Prior to the sale of said bonds, the City Controller shall cause to be published a notice of such sale once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal Gazette, and one time in the Indianapolis Commercial. The date fixed for the sale shall not be earlier than seven (7) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are being issued, the total amount thereof, the maximum rate of interest thereon, the time and place of payment, the terms and conditions on which bids will be received and the sale made, and such other information as the City Controller shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the City Controller at his office, and said Controller shall continue to receive all bids offered until the hour named on the day fixed in the bond sale notice, at which time and place he shall open and consider said bids. Bidders for said bonds are to bear, not exceeding _____ per annum, and such interest rate shall be in multiples of _____ of _____ per cent (_____ %), and not more than one interest rate shall be named by each bidder. The Controller shall award the bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest at the rate named to the date of delivery, shall be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed in said notice for the sale of said bonds, the Controller shall be authorized to continue to receive bids from day to day thereafter for a period of not to exceed thirty (30) days, without re-advertising, but during such continuation no bids shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds the City Controller shall be authorized to obtain a legal opinion as to the validity of said bonds from Ice Miller Donadio & Ryan, bond counsel of Indianapolis, and to furnish such opinion to the purchaser of said bonds. The cost of said opinion shall be considered a part of the cost of said projects, and shall be paid out of the proceeds of said bonds.

SECTION 6. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided. After said

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law; that this bond and said total issue of bonds is within every limit of indebtedness prescribed by the constitution and laws of the State of Indiana, and that the full faith and credit of the City of Fort Wayne, together with all of its taxable property, both real and personal, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, Indiana, by ordinance of its Common Council, has caused this bond to be signed in its corporate name by its Mayor, countersigned by its City Controller, its corporate seal to be hereunto affixed and attested by its City Clerk, and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of said City Controller, as of the first day of _____, 197 ____.

CITY OF FORT WAYNE

By _____
Mayor

Countersigned:

City Controller

Attest:

City Clerk

(Interest Coupon)

Coupon No. _____ \$ _____

On _____, 19____,
the City of Fort Wayne, Indiana, will pay to bearer at the _____
in the City of Fort Wayne, Indiana, or at the option of the holder at the _____
_____, _____ Dollars in lawful money of the
United States of America, being the interest then due on its Municipal Bond of
_____, dated _____, No. _____.

CITY OF FORT WAYNE

By _____ (Facsimile)
City Controller

SECTION 4. As soon as can be done after the passage of this ordinance, the City Clerk shall give notice of the filing of the petition for and determination to issue bonds. Said notice shall be published once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, newspapers of general circulation published in the City of Fort Wayne, and said notice shall also be posted in three public places in the City, as provided in IC, 1971, 6-1-46-7 and 6-1-1-25.

bonds shall have been properly executed, the City Controller shall deliver the same to the City Treasurer, and shall take his receipt therefor, and upon the consummation of the sale of said bonds the City Controller shall then certify to the City Treasurer the amount which the purchaser is to pay for the same; thereupon, the City Treasurer shall be authorized to receive from the purchaser the amount so certified by the Controller and to deliver the bonds to such purchaser.

SECTION 7. This Ordinance shall be in full force and effect immediately upon its passage, approval by the Mayor and legal publication thereof.


Councilman



THE CITY OF FORT WAYNE

office of the mayor

August, 1974

Fellow Citizen

I am taking this opportunity to explain to you the nature of the petition this administration is presently circulating and the reasons. We are asking for your consideration and signature of support. The City of Fort Wayne is presently attempting to obtain support for the issuance of a \$3,700,000 Street and Capital Improvement Bond. The funds obtained by this bond issue are to be used exclusively for capital and street improvements that are vitally needed in our community.

Many of our recent capital improvements have been financed through Revenue Sharing funds, and this procedure will continue. However, these Revenue Sharing funds are limited and cannot and were not designed to meet all the needs of a city that is growing. Consequently, to accomplish these vital improvements, a Street and Capital Improvement Bond is now before the citizens of Fort Wayne for their approval. If we get the support we need from the people, we can accomplish significant improvements to our city which will actually benefit everyone.

At this point, I would like to familiarize you with the types of projects envisioned and awaiting approval. The following is a list of Capital Improvements that would be accomplished through this bond issue:

- 1) Repairs to the Sherman Street elevation to end the flooding problem and upgrade the quality of the street;
- 2) Widening and re-designing of Washington Center Road from Clinton through Coldwater Road;
- 3) Traffic signal upgrading and modernization in the Central Business District;
- 4) Intersection improvements at Fairfield-Creighton;
- 5) Upgrading of Wells Street through street and curb improvements;

VERIFYING AFFIDAVIT

Counterpart No. _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

_____, being first duly sworn, upon his oath
deposes and says:

That he is an owner of taxable real estate located within the City of
Fort Wayne, Indiana, and is one of the signers of the attached counterpart of
a petition addressed to the Common Council of said City, requesting the issuance
of bonds of said City for the purposes described in said petition; that all
of the signatures appearing on the attached counterpart of said petition were
affixed in his presence, and are the true and lawful signatures of the persons
signing said counterpart.

Subscribed and sworn to before me this _____ day of _____,
1974.

Notary Public

My commission expires:

INSTRUCTIONS FOR THE CIRCULATION OF A BOND PETITION

Please read and follow the below instructions very carefully concerning the circulation of a Bond Petition. If these instructions are followed, the validity of the Petitions and the signatures thereon will be assured.

1. The person who circulates a Petition for the purpose of obtaining signatures thereon must be an owner of taxable real estate located in the City of Fort Wayne, Indiana. A person purchasing property on contract is not an owner of taxable real estate.

2. The person who circulates each counterpart and executes the verifying Affidavit attached thereto must sign the Petition. The best practice is for such person to sign the counterpart which he circulates on the first line. The person who circulates a counterpart should sign the counterpart and the verifying affidavit in the same style.

3. Counterparts cannot be passed around from one person to another for circulation.

4. The signatures on each counterpart must be affixed in the presence of the person who circulates the counterpart and executes the verifying affidavit attached thereto.

5. Qualified petitioners are persons or corporations who are owners of taxable real estate located in a particular taxing unit which is to issue the bonds as shown by the Tax Records in the Auditor's Office. Persons purchasing real estate on contract, heirs in estates in which the real estate has not been distributed, and other persons whose ownership is not of record in the Auditor's Office are not qualified petitioners.

6. One person cannot sign for another. A husband and wife owning real estate jointly are each qualified petitioners, and it is not necessary for each to sign in order for the other to constitute a valid petitioner, however each must sign separately if the signatures are to be counted as signatures of two separate petitioners. In such cases the wife should not sign as "Mrs. John Doe," but should sign her own name, thus "Mary Doe."

7. All names should be written as they appear on the tax records in the County Auditor's Office, as nearly as possible.

8. Do not fill in the blank at the top of the petition next to "Counterpart No. _____". The counterpart will be numbered at a later date.

PETITION REQUESTING ISSUANCE OF BONDS

Counterpart No. _____

TO THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

The undersigned, being the owners of taxable real estate located within the boundaries of the City of Fort Wayne, hereby petition the Common Council of said City to authorize and issue bonds of said City, in an amount not to exceed Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) to be applied on the cost of construction, reconstruction, and otherwise improving streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incident thereto, together with the incidental expenses to be incurred in connection therewith, and the cost of acquiring the constructing new facilities for the street department, and all expenses necessarily incurred in connection with said proceedings.

This petition may be circulated in several counterparts, and all of such counterparts are to be considered as constituting one petition.

NAME

ADDRESS

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
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10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____

PETITION REQUESTING ISSUANCE OF BONDS

Counterpart No. _____

TO THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

The undersigned, being the owners of taxable real estate located within the boundaries of the City of Fort Wayne, hereby petition the Common Council of said City to authorize and issue bonds of said City, in an amount not to exceed Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) to be applied on the cost of construction, reconstruction, and otherwise improving streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incident thereto, together with the incidental expenses to be incurred in connection therewith, and the cost of acquiring the constructing new facilities for the street department, and all expenses necessarily incurred in connection with said proceedings.

This petition may be circulated in several counterparts, and all of such counterparts are to be considered as constituting one petition.

NAME

ADDRESS

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
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13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____

VERIFYING AFFIDAVIT

Counterpart No. _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

_____, being first duly sworn, upon his oath
deposes and says:

That he is an owner of taxable real estate located within the City of
Fort Wayne, Indiana, and is one of the signers of the attached counterpart of
a petition addressed to the Common Council of said City, requesting the issuance
of bonds of said City for the purposes described in said petition; that all
of the signatures appearing on the attached counterpart of said petition were
affixed in his presence, and are the true and lawful signatures of the persons
signing said counterpart.

Subscribed and sworn to before me this _____ day of _____,
1974.

Notary Public

My commission expires:

LEGAL PROCEDURES FOR STREET BOND

- 22nd 1) On Tuesday, October 22, Council passes the Street Bond General Ordinance Bill No. G-74-10-22.
- 24th 2) On Thursday, October 24, legal publication of the filing of the petitions with the City Clerk is to occur. This advertisement is to be published once but in both the News-Sentinel and the Journal-Gazette. From this publication date the remonstrance period begins and lasts for thirty days.
- 24th 3) Also on October 24, the first legal publication of the passage of the general ordinance, which is bill No. G-74-10-22, should appear once in both the News-Sentinel and Journal-Gazette. In addition to publication of the ordinance, a copy of the publication must appear in 3 public places for a period of two weeks.
- 31st 4) This date should be one week after the first publication of the passage of the general ordinance. This is the second publication date of the ordinance's passage by City Council. This notice is to be published one time in both the News-Sentinel and the Journal-Gazette. This second publication fulfills the City's responsibilities as far as legal notices and publications are concerned. We cannot issue the bonds until the remonstrance period ends, which would be thirty days from the legal publication of the filing of the petitions with the City Clerk.

N O T I C E

Notice is hereby given that more than fifty (50) owners of taxable real estate within the boundaries of the City of Fort Wayne, Indiana have petitioned the Common Council of the City of Fort Wayne, Indiana, praying for the issuance of bonds of said City in an amount not to exceed Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) to be applied on the cost of construction, reconstruction and otherwise improving streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incident thereto, together with the incidental expenses to be incurred in connection therewith, and the cost of acquiring the constructing of new facilities for the street department, and all expenses necessarily incurred in connection with said proceedings, which petition has been duly verified under oath and that attached thereto is a certificate of the Auditor of Allen County, Indiana to the effect that all such petitioners are owners of taxable real estate in said City of Fort Wayne, Indiana.

SAMUEL TALARICO, PRESIDENT
OF THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE,
INDIANA

ATTEST:

Charles W. Westerman,
CITY CLERK OF FORT WAYNE,
INDIANA.

Publish 1 time in each the News-Sentinel and the Journal-Gazette and Post such Notice in 3 public places in Fort Wayne, Indiana.

PROOF OF POSTING OF NOTICE

The undersigned, Charles W. Westerman, Clerk of
the City of Fort Wayne, Indiana being hereby duly sworn on
oath says:

He posted on October 24, 1974 a true and exact copy
of the foregoing notice in three (3) public places in the
City of Fort Wayne, Indiana, namely:

CHARLES W. WESTERMAN,
CITY CLERK OF FORT WAYNE,
INDIANA

Subscribed and sworn to by Charles W. Westerman known
to me to be the City Clerk of Fort Wayne, Indiana, this _____
day of _____, 1974.

Notary Public

My commission expires

1
2 NOTICE TO TAXPAYERS
3 CITY OF FORT WAYNE, INDIANA

4 The taxpayers of the City of Fort Wayne, Indiana are hereby notified
5 that a petition has been filed by fifty or more owners of taxable real
6 estate located in said City requesting the Common Council of said City
7 to authorize the issuance of bonds of said City in an amount not exceed-
8 ing the sum of Three Million Seven Hundred and Fifty Thousand Dollars
9 (\$3,750,000.00) for the purpose of procuring funds to be applied on the
10 cost of construction, reconstruction and otherwise improving streets,
11 highways and thoroughfares in said City, the acquisition of rights-of-
12 way necessary or incident thereto, together with the incidental expenses
13 to be incurred in connection therewith, and the cost of acquiring the con-
14 structing of new facilities for the street department, and all expenses
15 necessary incurred in connection with said proceedings, together with the
16 incidental expenses in connection therewith and on account of the issuance
17 of bonds therefor. Remonstrances against the issuance of said bonds may
18 be filed with the Common Council by owners of taxable real estate in the
19 manner and within the time provided by I.C. 6-1-40-7 (Sec. 64-1910 Burns
20 Statutes, 1961 Replacement.)

21 Taxpayers of said City are further notified that the Common Council
22 did, on the 22nd day of October, 1974, adopt an ordinance determining to
23 issue the bonds of the City in the amount of \$3,750,000.00 for the purpose
24 of procuring funds to be used as above stated, including incidental ex-
25 penses in connection therewith. Said bonds will mature over a period of
26 approximately Fifteen years from date of issuance, and will bear interest at
27 a rate or rates not exceeding 7% per annum (the exact rate or rates to be
28 determined by bidding). Objections to the issuance of said bonds may be
29 made by ten or more taxpayers filing a petition in the office of the Auditor
30 of Allen County, Indiana within the time and in the manner provided by
31 statute, which petition, if any, will be heard and considered by the State
32 Board of Tax Commissioners as provided by I.C. 6-1-1-25 (Sec. 64-1915 Burns
33 Statutes, 1961 Replacement.)
34
35

1
2 The net assessed valuation to taxable property in the City of Fort
3 Wayne, Indiana, as shown by the assessment made for state and county taxes
4 in the year 1974, collectible in the year 1975, is \$426,626,630.00, and the
5 outstanding indebtedness of the City, exclusive of the above mentioned
6 bond is \$4,075.000
7

8 A public hearing on the question of appropriating the proceeds of the
9 above mentioned bonds for the purpose hereinabove set forth will be held
10 by the Common Council at a meeting on November 12, 1974, at the hour of
11 7:30 P.M., at which time all taxpayers interested may appear and be heard.
12 The additional appropriation, if finally made, will be automatically
13 referred to the State Board of Tax Commissioners, which Board will hold
14 a further hearing within fifteen days at the office of the Auditor of Allen
15 County, or at such other place as may be designated. At such further hearing
16 taxpayers objecting to said additional appropriation may be heard, and in-
17 terested taxpayers may inquire of the County Auditor when and where such
18 further hearing will be held.

19 Dated this 29th day of October, 1974.

20
21 Seal
22
23
24
25

Charles W. Westerman
CITY OF FORT WAYNE, INDIANA
by Charles W. Westerman
City Clerk

PROOF OF POSTING OF
NOTICE TO TAXPAYERS

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

CHARLES W. WESTERMAN, being first duly sworn,
upon his oath deposes and says:

That he did, on the 30th day of October, 1974, post in three public places in the City of Fort Wayne, Indiana a copy of the notice to taxpayers of the filing of a petition for and determination to issue bonds in the amount of \$3,750,000.00 also of the public hearing to be held on the matter of appropriating the proceeds of said bonds; that said notice so posted was in the form attached hereto, and was posted in the following places in said City:

1. City County Building of Fort Wayne - Bulletin Board first floor Center Lobby
2. Allen County Court House - Bulletin Board East Door
3. Fort Wayne Public Library - First Floor Lobby

Charles W. Westerman
Charles W. Westerman

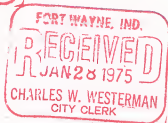
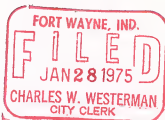
Subscribed and sworn to before me this 30th day of October
_____, 1974

Geraldine M. Barile
Notary Public



Commission expires

2/21/77

ORDER

IN THE MATTER OF A PETITION OBJECTING TO THE ISSUANCE OF BONDS BY THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA FOR THE PURPOSE OF PROCURING FUNDS TO BE APPLIED ON THE COST OF CONSTRUCTION, RECONSTRUCTION, AND OTHER IMPROVEMENTS TO STREETS, HIGHWAYS, AND THOROUGHFARES IN THE CITY OF FORT WAYNE FILED NOVEMBER 7, 1974

WHEREAS, the Common Council of the City of Fort Wayne, Allen County, Indiana, did on October 22, 1974 determine to issue bonds of said Municipal Corporation in the amount of \$3,750,000 to apply on the construction, reconstruction, and other improvements to streets, highways, and thoroughfares in the City of Fort Wayne and for said Municipal Corporation, and,

WHEREAS, in response to the legal advertisement of said determination a petition was filed by (10) or more taxpayers, other than those who pay poll tax only, objecting to the issuance of said bonds which petition was filed with the Allen County Auditor on October 4, 1974, and said Auditor transmitted the same to the State Board of Tax Commissioners; and

WHEREAS, the State Board of Tax Commissioners caused a hearing to be conducted by two (2) of its duly appointed representatives in the County Council Chamber, City County Building, Fort Wayne, Indiana, on December 17, 1974, and thereafter a transcript of said hearing was submitted to the State Board of Tax Commissioners and thereupon the State Board of Tax Commissioners considered such transcript together with the aforesaid petition.

NOW, THEREFORE, after careful consideration of all facts involved in this matter the State Board of Tax Commissioners does now find against the petitioners in opposition and does now approve the issuance of bonds by the Municipal Corporation in the amount of \$3,750,000 to apply on construction, reconstruction, and other improvements to streets, highways, and thoroughfares in the City of Fort Wayne.

Dated this 20th day of January, 1975.

STATE BOARD OF TAX COMMISSIONERS

Carleton L. Phillippi
Carleton L. Phillippi, Chairman

Taylor I. Morris, Jr.
Taylor I. Morris, Jr., Commissioner

Durwood S. Strang
Durwood S. Strang, Commissioner

ATTEST:

Gordon E. McIntyre
Gordon E. McIntyre, Secretary

CERTIFICATE OF COUNTY AUDITOR

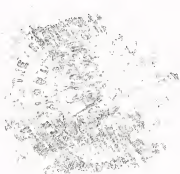
STATE OF INDIANA }
COUNTY OF ALLEN } SS:

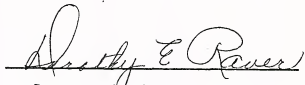
I, DOROTHY E. RAVER, THE DULY ELECTED, QUALIFIED AND ACTING AUDITOR OF ALLEN COUNTY, INDIANA, HEREBY CERTIFY THAT I HAVE EXAMINED ALL ONE HUNDRED EIGHTEEN (118) COUNTERPARTS OF THE PETITION REQUESTING ISSUANCE OF BONDS OF THE CITY OF FORT WAYNE, IN AN AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$3,750,000.00) TO BE APPLIED ON THE COST OF CONSTRUCTION, RECONSTRUCTION, AND OTHERWISE IMPROVING STREETS, HIGHWAYS AND THOROUGHFARES IN SAID CITY, THE ACQUISITION OF RIGHTS-OF-WAY NECESSARY OR INCIDENT THERETO, TOGETHER WITH THE INCIDENTAL EXPENSES TO BE INCURRED IN CONNECTION THEREWITH, AND THE COST OF ACQUIRING THE CONSTRUCTING NEW FACILITIES FOR THE STREET DEPARTMENT, AND ALL EXPENSES NECESSARILY INCURRED IN CONNECTION WITH SAID PROCEEDINGS.

I FURTHER CERTIFY THAT SAID PETITION CONSISTS OF ONE HUNDRED EIGHTEEN (118) COUNTERPARTS, EACH COUNTERPART HAVING ATTACHED THERETO THE AFFIDAVIT OF SAID PERSON CIRCULATING SAID COUNTERPART; THAT SAID PETITION CARRIED TWO THOUSAND FOUR HUNDRED NINETY EIGHT (2498) SIGNATURES OF WHICH I CERTIFY ONE THOUSAND NINE HUNDRED SIXTY-TWO (1962) TO BE OWNERS OF TAXABLE REAL ESTATE WITHIN THE BOUNDARIES OF THE CITY OF FORT WAYNE.

I FURTHER CERTIFY FIVE HUNDRED THIRTY-SIX (536) SIGNATURES OF SAID PETITION WERE NOT QUALIFIED AS LEGAL SEGNATURES.

DATED THIS 4th DAY OF OCTOBER, 1974.




DOROTHY E. RAVER
AUDITOR OF ALLEN COUNTY

DIGEST SHEETTITLE OF ORDINANCE A General Ordinance*Y-74-18-22*

DEPARTMENT REQUESTING ORDINANCE _____

SYNOPSIS OF ORDINANCE AN ORDINANCE of the City of Fort Wayne, Indiana,
authorizing the issuance and sale of bonds of said City for the
purpose of providing funds to be applied on the cost of construction
and reconstruction of, and other improvements to, streets, highways
and thoroughfares in said City, the acquisition of rights-of-way
necessary or incidental thereto, and the cost of acquiring and con-
structing new facilities for the street department, together with
all incidental expenses necessarily incurred in connection there-
with.

EFFECT OF PASSAGE _____

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Finance



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

October 31, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Str-et
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of November 1 and November 8, 1974, in both the News Sentinel and Jouranl Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. G-74-10-22
(as amended)
General Ordinance No. G-27-74

Please send us five (5) copies of the Publisher's Affidavit. from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
Encl. 1



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

October 31, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of November 1 and November 8, 1974, in both the News Sentinel and Journal Gazette.

RE: LEGAL NOTICE FOR COMMON COUNCIL
NOTICE TO TAXPAPERS CITY OF FORT
WAYNE, INDIANA.

Please send us six (6) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
Encl. 1

Notice is hereby given that on the 22nd day of October, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-74-10-22 (as Amended) G-74-74 General Ordinance, to-wit:

BILL NO. G-74-10-22 (as Amended)

GENERAL ORDINANCE NO. G-74-74
AN ORDINANCE of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied on the cost of construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental thereto, and the cost of acquiring and constructing new facilities for the street department, together with all incidental expenses necessarily incurred in connection therewith.

WHEREAS, the Board of Public Works of the City of Fort Wayne has found that it would be for the best interest of said City and its citizens to provide for the construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, and the acquisition of rights-of-way necessary or incidental thereto; and has determined that the estimated cost of said projects and the incidental expenses necessary to be incurred in connection therewith, including the issuance of bonds, will be in the approximate amount of Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00); and

WHEREAS, the Board of Public Works has filed a request for an appropriation in the amount Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) for said purposes, which request has been approved by the City Controller with the recommendation that the funds necessary to cover such appropriation be obtained by the issuance and sale of general obligation bonds of the City; and

WHEREAS, a petition has been filed under the provisions of Section 6-1-46.7 of the Indiana Code of 1973 by more than fifty (50) owners of taxable real estate in the City of Fort Wayne, requesting the Common Council to issue bonds in an amount not exceeding Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) for the purpose of procuring funds to be applied on the cost of the projects hereinafter described; and

WHEREAS, the Council now finds that said projects are necessary and will be of general benefit to the City and its citizens; now therefore

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City of Fort Wayne (hereinafter sometimes referred to as the "City"), by and through its Board of Public Works, proceed with the construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental thereto, as recommended by the Board of Public Works.

SECTION 2. For the purpose of providing funds with which to pay the cost of said projects and the incidental expenses necessary to be incurred in connection therewith, the City shall make a loan in the amount of Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00). In order to procure said loan, the City Controller is hereby authorized and directed to have prepared and to issue and sell the negotiable general obligation bonds of the City, to be designated as "Municipal Bonds of 1974" in the aggregate principal amount of Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00), which bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000.00), shall be numbered consecutively from 1 to 750 inclusive, shall be dated as of the first day of the month in which said bonds are sold, and shall bear interest at a rate not exceeding Seven per cent (7 per cent) per annum (the exact rate to be determined by the bidding), which interest shall be payable on the first day of July, 1975 and semi-annually thereafter on the first days of January and July in each year and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable at such bank or banks as shall be designated by the successful bidder and approved by the City Controller and at least one of which banks shall be in the City of Fort Wayne, Indiana. The bonds shall mature serially in the amounts and on the dates as follows:

80,000 on July 1, 1975
80,000 on January 1, 1976
85,000 on July 1, 1976
85,000 on January 1, 1977
90,000 on July 1, 1977
90,000 on January 1, 1978
95,000 on July 1, 1978
100,000 on January 1, 1979
100,000 on July 1, 1979
105,000 on January 1, 1980
105,000 on July 1, 1980
110,000 on January 1, 1981
110,000 on July 1, 1981
115,000 on January 1, 1982
120,000 on July 1, 1982
125,000 on January 1, 1983
125,000 on July 1, 1983
130,000 on January 1, 1984
135,000 on July 1, 1984
140,000 on January 1, 1985
140,000 on July 1, 1985
145,000 on January 1, 1986
150,000 on July 1, 1986
155,000 on January 1, 1987
160,000 on July 1, 1987
165,000 on January 1, 1988
170,000 on July 1, 1988
175,000 on January 1, 1989
180,000 on July 1, 1989
185,000 on January 1, 1990

Said bonds shall be signed in the name of the City of Fort Wayne with facsimile signature of the Mayor, countersigned with the facsimile signature of the City Controller, and attested by the City Clerk who shall affix the seal of the City to each of said bonds. The interest coupons attached to said bonds shall be executed with the facsimile signature of the City Controller. Said bonds shall, in the hands of bona fide holders, have all the qualities of negotiable instruments under the Uniform Commercial Code.

SECTION 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA
STATE OF INDIANA COUNTY OF ALLEN
No. \$5,000.00

CITY OF FORT WAYNE

MUNICIPAL BOND OF 1974

The City of Fort Wayne, in Allen County, Indiana, for value received hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal sum of

FIVE THOUSAND DOLLARS

on the first day of _____, 19____, and to pay interest thereon from the date hereof until the principal is paid, at the rate of _____ per cent (____) per annum, payable on the first day of July, 1975, and semi-annually thereafter on the first day of January and July in each year, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the _____, in the City of Fort Wayne, Indiana, or at the option of the holder at the _____.

This bond is one of an authorized issue of Seven Hundred and Fifty (750) bonds of the City of Fort Wayne, Indiana, of like date, denomination, tenor and effect, except as to dates of maturity, aggregating Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00), numbered consecutively from 1 to 750 inclusive, issued pursuant to an ordinance adopted by the Common Council of the City on the day of _____, 1974, entitled "An Ordinance of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing

pay interest thereon from the date thereof until the principal is paid, at the rate of _____ per annum, payable on the first day of July 1975, and annually thereafter on the first day of January and July in each year, upon presentation and surrender of the canceled coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the _____ in the City of Fort Wayne, Indiana, or at the option of the holder at the _____.

This bond is one of an authorized issue of Seven Hundred and Fifty (750) bonds of the City of Fort Wayne, Indiana, of like date, denomination, tenor and effect, except as to dates of maturity, aggregating Three Million Seven Hundred and Fifty Thousand dollars (\$3,750,000.00) numbered consecutively from 1 to 750 inclusive, issued pursuant to an ordinance adopted by the Common Council of the City on the _____ day of _____, 1974, entitled "An Ordinance of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied on the cost of construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental thereto, and the cost of acquiring and constructing new facilities for the street department, together with all incidental expenses of the State of Indiana entitled "An Act concerning municipal corporations," approved March 6, 1965, and all acts amendatory thereof and supplemental thereto.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in execution, in issuance and delivery of this bond have been done and performed in regular and due form as provided by law; that this bond and said total issue of bonds is within every limit of indebtedness prescribed by the constitution and laws of the State of Indiana, and that the full faith and credit of the City of Fort Wayne, together with all of its taxable property, both real and personal, are hereby irrevocably pledged to the payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, Indiana, by ordinance of its Common Council, has caused this bond to be signed in its corporate name by placing thereon the facsimile signature of its Mayor, countersigned by placing thereon the facsimile signature of its City Controller, its corporate seal to be hereunto affixed and attested by its City Clerk, and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of said City Controller, as of the first day of _____, 1974.

CITY OF FORT WAYNE

By _____ Mayor

Countersigned: _____ City Controller

Attest: _____ City Clerk

Coupon No. _____ (Interest Coupon) \$ _____

On _____, 19____,

the city of Fort Wayne, Indiana, will pay to the _____ in the City of Fort Wayne, Indiana, or at the option of the holder of the _____ Dollars in lawful money of the United States of America, being the interest then due on its Municipal Bond of _____, dated NO. _____.

CITY OF FORT WAYNE

By _____ City Controller

SECTION 4. As soon as can be done after the passage of this ordinance, the City Clerk shall give notice of the filing of the petition for an determination to issue bonds. Said notice shall be published once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, newspapers of general circulation published in the City of Fort Wayne, and said notice shall also be posted in three public places in the City, as provided in IC, 1971, 6-1-4-67 and 6-1-3-25.

Said bonds shall not be advertised for sale prior to the expiration of the period during which taxpayers may file remonstrances or objecting petitions to the issuance of said bonds. In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of IC, 1971, 6-1-4-67, then no further steps towards the issuance of said bonds shall be taken unless and until the Common Council shall have determined that such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of IC, 1971, 6-1-2-25, then no further steps towards the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the amount of the bonds herein authorized shall not be issued, then the City Controller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued and said shall be the bonds of the longest maturity of maturities.

SECTION 5. Prior to the sale of said bonds, the City Controller shall cause to be published a notice of such sale once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, and one time in the Indianapolis Commercial. The rate fixed for the sale shall not be earlier than seven (7) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are being issued, the total amount thereof, the maximum rate of interest thereon, the time and place of payment, the terms and conditions under which bids will be received and sale made, and such other information as the City Controller shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the City Controller at his office, and said Controller shall continue to receive all bids offered until the hour named on the day fixed in the bond sale notice, at which time and place he shall open and consider said bids. Bids for said bonds shall be required to name the rate of interest which the bonds are to bear not exceeding _____ (7%) per annum, and such interest rate shall be in multiples of 1/8 of one per cent (1.25%) and not more than one interest rate shall be named by each bidder. The Controller shall award the bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, computed the total interest on all of the bonds to be sold, including the interest on the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest at the rate named to the date of delivery, shall be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed in said notice for the sale of said bonds, the Controller shall be authorized to continue to receive bids from day to day thereafter for a period of not to exceed thirty (30) days, without readvertising, but during such continuation no bids shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds the City Controller shall be authorized to obtain a local opinion as to the validity of said bonds from Joe Miller Donadio & Ryan, Esq., counsel of Indianapolis, and to furnish such opinion to the purchaser of said bonds. The cost of said opinion shall be considered a part of the cost of said projects, and shall be paid out of the proceeds of said bonds.

SECTION 6. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk shall be authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided. After said bonds have been properly executed, the City Controller shall deliver the same to the City Treasurer, and shall take his receipt therefor, and upon the consummation of the sale of said bonds the City Controller shall then certify to the City Treasurer the amount of the purchase price to be paid for the same, whereupon, the City Treasurer shall be authorized to receive from the purchaser the amount so certified by the Controller and to deliver the bonds to such purchaser.

SECTION 7. This ordinance shall be in full force and effect immediately upon its passage, approval by the Mayor and local publication thereof.

Board of Accounts

General Form No. 99 P (Rev 1967)

of Ft. Wayne
(ental Unit)

To NEWS-SENTINEL Dr.

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

er (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

ber of lines

ber of lines

ber of lines

number of lines in notice

GES

ts. 1 column/s wide equals 428 equivalent lines at .288¢ per line \$123.26

harge for notices containing rule or tabular work (50 per cent of above

xtra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

G COST

gle column 11 ems

Size of type 5 1/2 point

insertions 2

Size of quad upon which type is cast 5 1/2

on and penalties of Ch. 89, Acts 1967,

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

T. E. Serber

, 19 74

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County

88

Board. Said notice shall be published once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, newspapers of general circulation published in the City of Fort Wayne, and said notice shall also be posted in three public places in the City, as provided in I.C. 1971, §-1-467 and §-1-1-25.

Said bonds shall not be advertised for sale prior to the expiration of the period during which taxpayers may file remonstrances or objecting petitions to the issuance of said bonds. In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of I.C. 1971, §-1-467, then no further steps towards the issuance of said bonds shall be taken unless and until the Common council shall have determined that such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of I.C. 1971, §-1-1-25, then no further steps towards the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of the bonds herein authorized shall not be issued, then the City Controller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued shall be the bonds of the largest maturity of maturities.

SECTION 5. Prior to the sale of said bonds, the City Controller shall cause to be published a notice of such sale once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, and one time in the Indianapolis Commercial. The rate fixed for the sale shall be not earlier than seven (7) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are being issued, the total amount thereof, the maximum rate of interest thereon, the time and mode of payment, the terms and conditions on which bids will be received and the sale made, and such other information as the City Controller shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the City Controller at his office, and said Controller shall continue to receive all bids offered until the hour named on the day fixed in the bond sale notice, at which time and place he shall open and consider said bids. Bids for said bonds shall be required to name the rate of interest which the bonds are to bear not exceeding seven per cent (7%) per annum, and such interest rate shall be in multiples of 1/4 of one per cent (1/4%) and not more than one interest rate shall be named by each bidder. The Controller shall award the bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, computed on the basis of the bonds to be sold, their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest at the rate named to the date of sale, shall be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received of the time fixed in said notice for the sale of said bonds, the Controller shall be authorized to continue to receive bids from day to day thereafter for a period of not to exceed thirty (30) days, without readvertising, but during such continuation no bids shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds the City Controller shall be authorized to obtain a legal opinion as to the validity of said bonds from Ice Miller Donagoe & Ryan, Attorneys at Indianapolis, and to furnish such opinion to the purchaser of said bonds. The cost of said opinion shall be considered a part of the cost of said projects, and shall be paid out of the proceeds of said bonds.

SECTION 6. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and to attach thereto coupons to be attached thereto in the form and manner herein provided. After said bonds shall have been properly executed, the City Controller shall deliver the same to the City Treasurer, and shall take his receipt therefor, and upon the consummation of the sale of said bonds the City Controller shall certify to the City Treasurer the amount which the purchaser is to pay for the same. Thereupon, the City Treasurer shall be authorized to receive from the purchaser the amount so certified by the Controller and to deliver the bonds to such purchaser.

SECTION 7. This ordinance shall be in full force and effect immediately upon its passage, approval by the Mayor and legal publication thereof.

WILLIAM T. HINGA
Councilman
Read the third time in full and on motion
by Hinga, seconded by Stier, and duly
adopted, placed on its passage. PASSED by
the following vote:
Ayes: Seven
Burns, Hinga, Krous, Nuckols, V.
Schmidt, Stier, Tolarico
Nays: One
D. Schmidt
Absent: One
Moses
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, General Ordinance No. G-27-74 on the 22nd day of October, 1974.

ATTEST: (SEAL)
Charles W. Westerman, Mayor
City Clerk
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd day of October, 1974, at the hour of 9:00 o'clock.

P.M., E.S.T.
Charles W. Westerman
City Clerk
Approved and signed by me this 22nd day of October, 1974, at the hour of 9:00 o'clock P.M., E.S.T.

IVON A. LeBameff
Mayor
1. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-27-74 passed by the Common Council on the 22nd day of October, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 22nd day of October, 1974 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of October, 1974.
CHARLES W. WESTERMAN
CITY CLERK

State Board of Accounts

General Form No. 99 P (Rev 1967)

City of Ft. Wayne
(Municipal Unit)

To: NEWS-SENTINEL Dr.

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

er (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) number of equivalent lines

per of lines

per of lines

per of lines

number of lines in notice

GES

s, 1 column 11 wide equals 428 equivalent lines at .2884 per line

\$123.26

charge for: notices containing rule or tabular work (50 per cent of above

extra proofs of publication (50 cents for each proof in excess of two)

4.00

TOTAL AMOUNT OF CLAIM

\$127.26

G COST

gle column 11 ems

Size of type 5 1/2 point

insertions 2

Size of quad upon which type is cast 5 1/2

on and penalties of Ch. 89, Acts 1967.

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

V. E. Gerken

, 19 74

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss

Personally appeared before me, a notary public in and for said county and state, the undersigned, V. E. Gerken

who, being duly sworn, says that

She is Clerk

NEWS-SENTINEL

DAILY

newspaper of general circulation printed and published

COPY OF
SENT HERE

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

time, the dates of publication being as follows:

11/1-8/74

V. E. Gerken

Subscribed and sworn to before me this 8th day of November 19 74

Notary Public

My commission expires October 25, 1975

Common Council of Ft. Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

426

2

428

COMPUTATION OF CHARGES

428 lines, 1 column wide equals 428 equivalent lines at 288¢ cents per line

\$ 123.26

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

4.00

TOTAL AMOUNT OF CLAIM

\$ 127.26

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date November 8, 1974

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

Allen County

Personally appeared me, a notary public in and for said county and state, the undersigned, V. E. Gerken

that, She is Clerk who, being duly sworn, says

NEWS-SENTINEL

DAILY

a news-paper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

time, the dates of publication being as follows: 11/1-8/74

Subscribed and sworn to before me this 8th day of November, 1974

V. E. Gerken

Charles C. Reimke

Notary Public

My commission expires October 25, 1975

Notice is hereby given that on the 22nd day of October, 1974, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill, to-wit: G-74-10-22 (as Amended) G-27-74 General Ordinance, to-wit: BILL NO. G-74-10-22 (as Amended) GENERAL ORDINANCE NO. G-27-74 AN ORDINANCE of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied on the cost of construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, and the acquisition of rights-of-way necessary or incidental thereto, and the cost of acquiring and constructing new facilities for the street department, together with all incidental expenses necessarily incurred in connection therewith. WHEREAS, the Board of Public Works of the City of Fort Wayne has found that it would be for the best interest of said City and its citizens to provide for the construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, and the acquisition of rights-of-way necessary or incidental thereto; and has determined that the estimated cost of said projects and the incidental expenses necessary to be incurred in connection therewith, including the issuance of bonds, will be in the approximate amount of Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00); and WHEREAS, the Board of Public Works has filed a request for an appropriation of the amount Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) for said purposes, which request has been approved by the City Controller with the recommendation that the funds necessary to cover such appropriation be obtained by the issuance and sale of general obligation bonds of the City; and

Notice is hereby given that on the 22nd day of October, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-74-10-22 (as Amended) G-27-74 General Ordinance, to-wit:

BILL NO. G-74-10-22 (as Amended)

GENERAL ORDINANCE NO. G. G-27-74

AN ORDINANCE of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied in the cost of construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental thereto, and the cost of acquiring and constructing new facilities for the street department, together with all incidental expenses necessarily incurred in connection therewith.

WHEREAS, the Board of Public Works of the City of Fort Wayne has found that it would be for the best interest of said City and its citizens to provide for the construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, and the acquisition of rights-of-way necessary or incidental thereto; and has determined that the estimated cost of said projects and the incidental expenses necessary to be incurred in connection therewith, including the issuance of bonds, will be in the approximate amount of Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00); and

WHEREAS, the Board of Public Works has filed a request for an appropriation in the amount Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) for said purposes, which request has been approved by the City Controller with the recommendation that the funds necessary to cover such appropriation be obtained by the issuance and sale of general obligation bonds of the City; and

WHEREAS, a petition has been filed under the provisions of Section 6-1-46-7 of the Indiana Code of 1973 by more than fifty (50) owners of taxable real estate in the City of Fort Wayne, requesting the Common Council to issue bonds in an amount not exceeding Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) for the purpose of procuring funds to be applied on the cost of the projects heretofore described; and

WHEREAS, the Council now finds that said projects are necessary and will be of general benefit to the City and its citizens; now therefore

BE IT ORDAINED BY THE COMMON

COUNCIL OF THE CITY OF FORT

WAYNE, INDIANA:

SECTION 1. That the City of Fort Wayne (hereinafter sometimes referred to as the "City"), by and through its Board of Public Works, proceed with the construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental thereto, as recommended by the Board of Public Works.

SECTION 2. For the purpose of providing funds with which to pay the cost of said projects and the incidental expenses necessary to be incurred in connection therewith, the City shall make a loan in the amount of Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00). In order to procure said loan, the City Controller is hereby authorized and directed to have prepared and to issue and sell the negotiable general obligation bonds of the City, to be designated as "Municipal Bonds of 1974" in the aggregate principal amount of Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00), which bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000.00), shall be numbered consecutively from 1 to 750 inclusive, shall be dated as of the first day of the month in which said bonds are sold, and shall bear interest of a rate not exceeding Seven per cent (7 per cent) per annum (the exact rate to be determined by the bidding), which interest shall be payable on the first day of July, 1975 and semi-annually thereafter on the first days of January and July in each year and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable of such bank or banks as shall be designated by the successful bidder and approved by the City Controller and at least one of which banks shall be in the City of Fort Wayne, Indiana. The bonds shall mature serially in the amounts and on the dates as follows:

80,000 on July 1, 1975
80,000 on January 1, 1976
85,000 on July 1, 1976
85,000 on January 1, 1977
90,000 on July 1, 1977
90,000 on January 1, 1978
95,000 on July 1, 1978
100,000 on January 1, 1979
100,000 on July 1, 1979
105,000 on January 1, 1980
105,000 on July 1, 1980
110,000 on January 1, 1981
110,000 on July 1, 1981
115,000 on January 1, 1982
120,000 on July 1, 1982
125,000 on January 1, 1983
125,000 on July 1, 1983

130,000 on January 1, 1984
135,000 on July 1, 1984
140,000 on January 1, 1985
140,000 on July 1, 1985
145,000 on January 1, 1986
150,000 on July 1, 1986
155,000 on January 1, 1987
160,000 on July 1, 1987
165,000 on January 1, 1988
170,000 on July 1, 1988
175,000 on January 1, 1989
180,000 on July 1, 1989
185,000 on January 1, 1990

Said bonds shall be signed in the name of the City of Fort Wayne with facsimile signature of the Mayor, countersigned with the facsimile signature of the City Controller, and attested by the City Clerk who shall affix the seal of the City to each of said bonds. The interest coupons attached to said bonds shall be executed with the facsimile signature of the City Controller. Said bonds shall, in the hands of bona fide holders, have all the qualities of negotiable instruments under the Uniform Commercial Code.

SECTION 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA
STATE OF INDIANA COUNTY OF ALLEN
No. \$5,000.00

CITY OF FORT WAYNE

MUNICIPAL BOND OF 1974

The City of Fort Wayne, in Allen County, Indiana, for value received hereby acknowledges their indebtedness and promises to pay to the bearer hereof the principal sum of

FIVE THOUSAND DOLLARS

on the first day of —, 19—, and to pay interest thereon from the date hereof until the principal is paid, at the rate of — per cent (—) per annum, payable on the first day of July 1975, and semi-annually thereafter on the first day of January and July in each year, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the — in the City of Fort Wayne, Indiana, or at the option of the holder at the —.

This bond is one of an authorized issue of Seven Hundred and Fifty (750) bonds of the City of Fort Wayne, Indiana, of like date, denomination, tenor and effect, except as to dates of maturity, aggregating Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) numbered consecutively from 1 to 750 inclusive, issued pursuant to an ordinance adopted by the Common Council of the City on the — day of —, 1974, entitled "An Ordinance of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied on the cost of construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City."

By CITY OF FORT WAYNE
(Facsimile)
City Controller

SECTION 4. As soon as can be done after the passage of this ordinance, the City Clerk shall give notice of the filing of the petition for an determination to issue bonds, said notice shall be published once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, newspapers of general circulation published in the City of Fort Wayne, and said notice shall also be posted in three public places in the City, as provided in IC, 1971, 6-1-467 and 6-1-1-25.

Said bonds shall not be advertised for sale prior to the expiration of the period during which taxpayers may file remonstrances or objecting petitions to the issuance of said bonds, in the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of IC, 1971, 6-1-467, then no further steps towards the issuance of said bonds shall be taken unless and until the Common Council shall have determined that such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of IC, 1971, 6-1-1-25, then no further steps towards the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds, in the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of the bonds herein authorized shall not be issued, then the City Controller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued and sold shall be the bonds of the longest maturity of maturities.

SECTION 5. Prior to the sale of said bonds, the City Controller shall cause to be published a notice of such sale once each week for two weeks in the Fort Wayne News-Sentinel and Fort Wayne Journal-Gazette, and one time in the Indianapolis Commercial. The rate fixed for the sale shall not be earlier than seven (7) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are being issued, the total amount thereof, the maximum rate of interest thereon, the time and place of payment, the terms and conditions on which bids will be received and the sale made, and such other information as the City Controller shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the City Controller at his office, and said Controller shall continue to receive all bids offered until the hour named on the day fixed in the said notice, at which time and place he shall open and consider said bids. Bids for said bonds shall be sealed and shall name the rate of interest which the bonds are to bear not exceeding seven per cent (7%) per annum, and such interest rate shall be in multiples of 1/8 of one per cent (1.25%), and not more than one interest rate shall be named by each bidder. The Controller shall award the bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, computed on the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest of the rate named to the date of delivery, shall be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed in said notice for the sale of said bonds, the Controller shall be authorized to continue to receive bids from day to day thereafter for a period of not to exceed thirty (30) days, without re-advertising, but during such continuation no bid shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds the City Controller shall be authorized to obtain an opinion as to the validity of said bonds from Ice Miller Donahoe & Ryan, bond counsel of Indianapolis, and to furnish such opinion to the purchaser of said bonds. The cost of said opinion shall be considered a part of the cost of said proceeds, and shall be paid out of the proceeds of said bonds. SECTION 6. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided. After said bonds shall have been properly executed, the City Controller shall deliver the same to the City Treasurer, and shall take his receipt therefor, and upon the consummation of the sale of said bonds the City Controller shall then certify to the City Treasurer the amount which the purchaser is to pay for the same; thereupon, the City Treasurer shall be authorized to receive from the purchaser the amount so certified by the Controller and to deliver the bonds to such purchaser.

SECTION 7. This ordinance shall be in full force and effect immediately upon its passage, approval by the Mayor and legal publication thereof.

WILLIAM T. HINGA
Councilman
Read the three time full and on motion by Hinga, seconded by Siler, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Seven
Barns, Hinga, Krous, Nuckols, V. Nays: One
Schmidt, Siler, Torajaco

D. Schmidt
Absent: One
Moses
Date: 10-27-74 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, on the 22nd day of October, 1974.

ATTEST: (SEAL)
Charles W. Westerman, Samuel J. Trice
City Clerk Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd day of October, 1974, at the hour of 7:00 o'clock P.M. E.S.T.

Charles W. Westerman
City Clerk
Approved and signed by me this 22nd day of October, 1974, at the hour of 9:00 o'clock P.M. E.S.T.

WON A. LeBarnett
Mayor
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-27-74 passed by the Common Council on the 22nd day of October, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 22nd day of October, 1974, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of October, 1974.
CHARLES W. WESTERMAN
CITY CLERK

ite Board of Accounts
of Ft. Wayne
mental Unit)

County, Ind.

PUBLISHER'S CLAIM

ter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

ber of lines

ber of lines

ber of lines

number of lines in notice

GES

1 columns wide equals 428 equivalent lines at \$288.4 per line

arge for notices containing rule or tabular work (50 per cent of above)

tra proofs of publication (50 cents for each proof in excess of two)

AL AMOUNT OF CLAIM

COST

le column 11 ems

Size of type. 5 1/2 point

nsertions. 2

Size of quad upon which type is cast. 5 1/2

n and penalties of Ch. 89, Acts 1967,

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

Arvilla De Wald

19 74

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the City of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for 2 times, the dates of publication being as follows:

11/1-8/74

Arvilla De Wald

Subscribed and sworn to before me this 8th November 74

Notary Public

My commission expires October 25, 1975

Common Council of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

126

2

128

COMPUTATION OF CHARGES

128 lines, 1 columns wide equals 128 equivalent lines at 288¢ cents per line

\$ 123.26

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

4.00

TOTAL AMOUNT OF CLAIM

\$ 127.26

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date November 8, 1974

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows: 11/1-8/74Subscribed and sworn to before me this 8th November 1974
Notary Public

My commission expires October 25, 1975

door, handle, Vals, automatic, power
72 IMPALA CUSTOM
184388B
Miles, New tires \$1775. Call after 5 P.M.
W. S. JAMES, JR. — X NUTMEG 2
Notice is hereby given that on the 22nd day of October, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-74-10-22 (as Amended) G-27-74 General Ordinance, to-wit:

BILL NO. G-74-10-22 (as Amended)
GENERAL ORDINANCE NO. 607-74
AN ORDINANCE of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied to the cost of construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, the acquisition of rights-of-way necessary or incidental thereto, and the cost of acquiring and constructing new facilities for the street department, together with all incidental expenses necessarily incurred in connection therewith.

WHEREAS, the Board of Public Works of the City of Fort Wayne has found that it would be for the best interest of said City and its citizens to provide for the construction and reconstruction of, and other improvements to, streets, highways and thoroughfares in said City, and the acquisition of rights-of-way necessary or incidental thereto and has determined that the estimated cost of said projects and the incidental expenses necessary to be incurred in connection therewith, including the issuance of bonds, will be in the approximate amount of Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00); and

WHEREAS, the Board of Public Works has filed a request for appropriation in the amount Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000.00) for said purposes, which request has been approved by the City Controller with the recommendation that the funds necessary to cover such appropriation be obtained by the issuance and sale of general obligation bonds of the City; and

the City of Fort Wayne, Indiana, this 22nd day of October, 1974.

CHARLES W. WESTERMAN
CITY CLERK

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